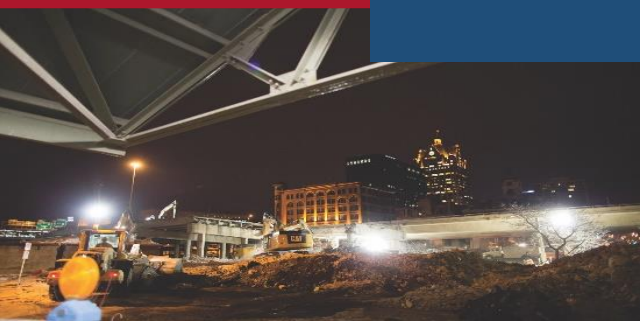




A Procurement Technical Assistance Center (PTAC)

# UPDATE ON THE FAIR LABOR STANDARDS ACT ACQUISITION HOUR WEBINAR January 30, 2019



# WEBINAR ETIQUETTE

## PLEASE

- Log into the GoToMeeting session with the name that you registered with online
- Place your phone or computer on MUTE
- Use the CHAT option to ask your question(s). We will share the questions with our guest speaker who will respond to the group

## THANK YOU!

# ABOUT WPI SUPPORTING THE MISSION

SERVING WISCONSIN  
COMPANIES FOR 31 YEARS!

Assist businesses in creating,  
development and growing their sales,  
revenue and jobs through Federal,  
state and local government contracts.

*WPI is a Procurement Technical Assistance Center (PTAC) funded in part by  
the Defense Logistics Agency (DLA), WEDC and other funding sources.*

## WPI OFFICE LOCATIONS

- MILWAUKEE – *Technology Innovation Center*
- MADISON –
  - *FEED Kitchens*
  - *Dane County Latino Chamber of Commerce*
  - *Wisconsin Manufacturing Extension Partnership (WMEP)*
  - *Madison Area Technical College (MATC)*
- CAMP DOUGLAS – *Juneau County Economic Development Corporation (JCEDC)*
- STEVENS POINT – *IDEA Center*
- APPLETON – *Fox Valley Technical College*
- OSHKOSH –
  - *Fox Valley Technical College*
  - *Greater Oshkosh Economic Development Corporation*
- EAU CLAIRE – *Western Dairyland*
- MENOMONIE – *Dunn County Economic Development Corporation*
- LADYSMITH – *Indianhead Community Action Agency*
- RHINELANDER – *Nicolet Area Technical College*



Search ...



EVENT CALENDAR

FEDERAL GOVERNMENT

STATE & LOCAL GOVERNMENT

GRANTS

SUCCESS & AWARDS

FAQS

**CURRENT EDITION OF THE WPI NEWSLETTER**

**www.wispro.org**



## UPCOMING EVENTS

- WED 30** **Acquisition Hour: Update on the Fair Labor Standards Act**  
January 30 @ 12:00 pm - 1:00 pm

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- FEB 05** **Preparing a Winning Government Proposal**  
February 5 @ 10:00 am - 12:00 pm  
Wauwatosa WI

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- FEB 12** **Acquisition Hour: Intellectual Property for Government Contractors and Subcontractors**  
February 12 @ 1:00 pm - 2:00 pm

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- FEB 12** **NCMA Wisconsin Chapter CFCM Study Session One – Webinar**  
February 12 @ 6:00 pm - 7:30 pm

[View More...](#)

## CURRENT OPPORTUNITIES (2)

## SERVICES OFFERED BY WPI

- FREE Bid Matching Services
- Individual Counseling and Assistance
- Locating Local, State and Federal Opportunities
- Government Market Strategy Development
- Training in use of Government websites and tools
- Assistance with System for Award Management (SAM) Registration
- Assisting in Market Research Process
- Development of Market Profile
- Small Business Subcontracting Plans Development, Outreach and Reporting
- Small Group Training
- Outreach and training with Local, State and Federal agencies
- Assist with Pre and Post Award Functions
- Assistance with Agency Specific Contracting Requirements
- Assistance with Contracting Regulations and Requirements, including FAR, DFAR, CFR
- Assistance with GSA Schedule Preparation and Administration
- Assistance with Local, State and Federal Certifications, including:
  - Service Disabled & Veteran Owned Small Business, HUBZone, Woman Owned Small Business, 8(a) Business Development Program
  - State
  - Local
  - DBE
- Bid review and Submission Assistance
- Proposal review and Submission Assistance
- Capabilities Statement and Related Government Marketing Material Development
- Assistance in Locating and Developing Teaming Partners and Subcontractors
- Updated Government Market Information



# FAIR LABOR STANDARDS ACT



UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION

[dol.gov/whd](https://dol.gov/whd)  
1-866-487-9243

# Major Provisions



Coverage



Youth  
Employment



Minimum Wage



Recordkeeping

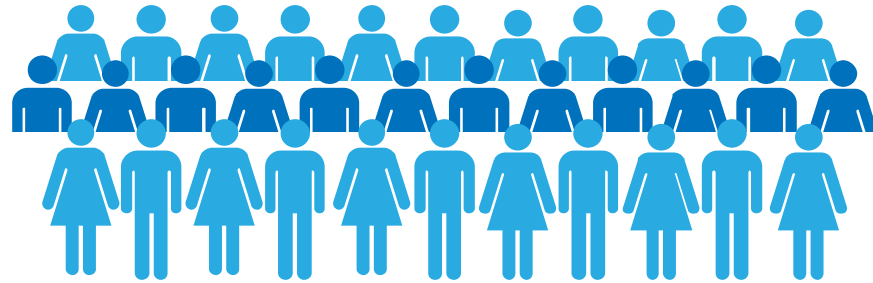


Overtime

# Employment Relationship

In order for the FLSA to apply, there must be an employment relationship between the “employer” and the “employee”

# Coverage



Over 135 million workers in more than 7 million workplaces protected or covered by the FLSA, enforced by the Wage and Hour Division of the U.S. Department of Labor

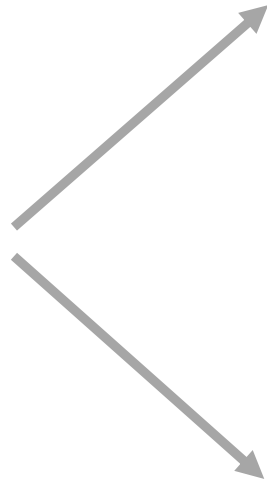


**FACT SHEET:**  
FLSA Coverage

# Coverage



**Two Types**  
of Coverage



## **Enterprise Coverage**

Enterprise, as a whole, is covered and all employees are entitled to FLSA protections



## **Individual Coverage**

Enterprise, as a whole, is NOT covered; however individual employees are covered and entitled to FLSA protections

# Enterprise Coverage



Enterprise coverage may apply to a business if:

- It engages in commercial activities that result in no less than \$500,000 in annual dollar volume (ADV), sales or total business, and
- It has two or more employees

# Enterprise Coverage

## Enterprise Coverage in Non-Profit Organizations

- A non-profit's charitable activities are not ordinary commercial activities and are not covered under the FLSA
- A non-profit's activities performed for a business purpose, however, are covered if the ADV is met
- The "ADV" threshold:
  - Includes only activities performed for a **business purpose**
  - Does not include income—from donations, membership fees, etc.—used for **charitable activities**

# Enterprise Coverage

A business or a non-profit organization may also be covered by the FLSA as a “named enterprise.”

## **Named enterprises:**

- Include hospitals, residential medical or nursing care facilities, schools, preschools, and government agencies
- Are covered regardless of their ADVs
- Must afford minimum wage and overtime protections to all employees, unless exempt

# Individual Coverage



Employees of businesses not covered on an enterprise basis may still be covered individually

- The employee's activities, not the establishment's, determine coverage
- Individual coverage applies on a workweek basis

# Individual Coverage

Includes workers engaged in:

- Interstate commerce, the production of goods for interstate commerce, or an activity that is closely related and directly essential to such production
- Domestic service, including home care
- Employees of non-profits may also be covered individually

# Individual Coverage

## **Interstate commerce** includes:

- Making out-of-state phone calls, or
- Receiving, sending interstate mail or electronic communications, or
- Ordering, receiving goods from out-of-state suppliers, or
- Handling credit card transactions, performing accounting or bookkeeping for such activities

# Coverage



Employees who *may* not be covered include those employed by:

- Small construction companies
- Small independently owned retail or service businesses

# Minimum Wage



Covered, non-exempt employees must be paid at least the federal minimum wage, in cash or the equivalent, free and clear, for all hours worked

Current federal minimum wage

# Minimum Wage

## Compensation includes:

- Wages (salary, hourly and piece rates)
- Commissions
- Certain bonuses
- Tips received by eligible employees up to \$5.12 per hour (where the employer takes a tip credit)
- Reasonable cost of room, board, other “facilities” provided by employer for employee’s benefit

# Minimum Wage

## **Lodging and Board – credit toward wages (known as the 3(m) credit)**

The following five requirements must be met:

- (1) the lodging is regularly provided by the employer or similar employers;
- (2) the employee voluntarily accepts the lodging;
- (3) the lodging is furnished in compliance with applicable federal, state, or local law;
- (4) the lodging is provided primarily for the benefit of the employee rather than the employer; and
- (5) the employer maintains accurate records of the costs incurred in furnishing the lodging.

# Minimum Wage

**Deductions** from pay are illegal if:

- Items are primarily for the benefit or convenience of employer, and
- Deduction reduces employee earnings below required minimum wage

Examples of illegal deductions: deductions for tools, damages to property, cash register shortages





# Minimum Wage

## Exercise

Hourly Rate: \$8.00

Weekly Hours: 30

Employer-required uniform cost: \$30.00

Earnings:  $(\$8.00) \times (30 \text{ hours}) = \$240.00$

Less uniform charges:  $- \$30.00$

Leaves worker with:  $\$210.00$

$(\text{MW } \$7.25/\text{hour}) \times (30 \text{ Hours}) = \$217.50$

***Deduction for uniform takes wages below required MW***

# Minimum Wage

## Tipped Employee

- Engaged in an occupation in which he or she customarily and regularly receives more than \$30 per month in tips
- Applied on an individual basis



**FACT SHEET:**  
Tipped  
Employees

# Minimum Wage

## Tip Credit

**FLSA MW – Cash Wage Paid = Tip Credit**

Employer may claim “tip credit” only if:

- Employee informed of tip credit allowance and amount of wage claimed as “tip credit”
- Employer documents sufficient tips received to bring total wage to at least minimum wage
- Tips retained by employee, not shared with employer or other employees except in valid tip pooling arrangement

# Minimum Wage

## Hours Worked



An employee must be paid for all of the time considered to be “hours worked” under the FLSA.

This may include time spent engaged to wait, on-call, in training, or travelling, as well as sleep time.

Work not requested but “suffered or permitted” is work time.



**FACT SHEET:**  
Hours Worked

# Minimum Wage

## Waiting Time

### Hours worked

Employee unable to use “waiting time” effectively for own purposes

“Waiting time” controlled by employer

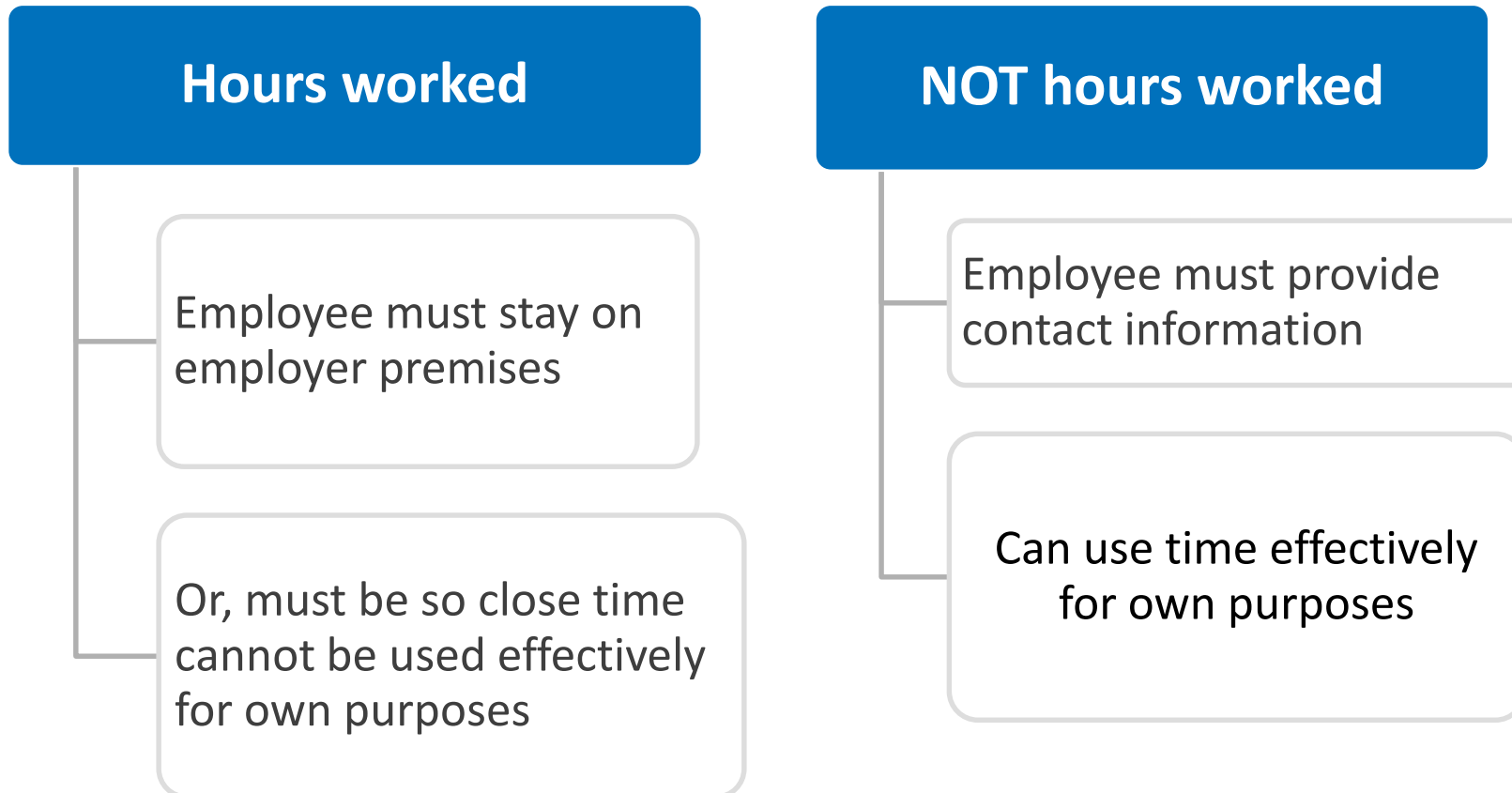
### NOT hours worked

Employee completely relieved from duty

Break-time long enough for employee to use for own purposes

# Minimum Wage

## On-Call Time



# Minimum Wage

## Rest and Meal Periods

- Short rest breaks (20 min or less) are compensable
- Bona fide meal periods (typically 30 minutes or more) need not be paid as hours worked
- Worker must be completely relieved of duty for meal period not to be compensable time.

# Minimum Wage

## Training Time

Time spent in meetings, lectures or training is considered *hours worked* and must be paid, unless:

- Attendance outside regular work hours
- Attendance voluntary
- Course, lecture, meeting not job related, ***and***
- Employee does not perform any productive work

# Minimum Wage

## Travel Time

- Ordinary home to work travel is *not* compensable work time
- Travel between job sites during normal work day *is* work time and thus compensable hours worked
- Special rules apply to travel away from employee's home community

# Minimum Wage

## Sleep Time

**Duty:** Shifts of less than 24 hours:

Employee on duty for less than 24 hours is considered *working* even if allowed to sleep, engage personal pursuits; no sleep time deduction permitted

**Duty:** Shifts of 24 hours or more:

Parties can agree to exclude bona fide sleep periods, up to 8 hours, and only if certain conditions are met

# Minimum Wage

## Shifts of 24 Hours or More

For workers who do not permanently or for extended periods of time reside on the employer's premises, the employer and employee can exclude from hours worked up to 8 hours spent sleeping if:

- The employer furnishes adequate sleeping facilities; and
- The employee can usually enjoy 5 consecutive hours of uninterrupted sleep; and
- The employer and employee have an express or implied agreement to exclude sleep time

# Minimum Wage

## Hours Worked Summary and Common Violations

- ***Suffered or Permitted:*** working “off the clock”
- ***Waiting Time:*** engaged to wait
- ***On-Call Time:*** not free from duty or employer control
- ***Meal and Rest Periods:*** not free from duty
- ***Training Time:*** unpaid training during work time
- ***Travel Time:*** unpaid travel between job sites
- ***Sleep Time:*** deduct for sleep in less than 24-hour shift

# Minimum Wage

## Minimum Wage Summary and Common Violations

- ***Compensation Included:*** Required minimum wage in cash and/or allowable equivalent
- ***Deductions:*** Illegal deductions, minimum wage not paid
- ***Tipped Employees:*** Tips not retained by employees, cash wage not paid
- ***Hours Worked:*** Work suffered or permitted not recorded, or paid

# Overtime

1½

Covered, non-exempt employees must receive one and one-half times their regular rate of pay for all hours worked over forty in a workweek

All time that is hours worked must be counted when determining overtime hours worked.



# Overtime



- Compliance determined by workweek
- Each workweek stands alone
- Workweek is 7 consecutive 24-hour periods (168 hours)

# Overtime

## Regular Rate

- Determined by dividing total earnings in workweek by total number of hours worked in workweek

$$\text{Total Compensation} \div \text{Total Hours Worked} = \text{RR}$$

- *Regular Rate* may not be less than the applicable minimum wage
- *Total earnings include commissions, certain bonuses, and cost of room, board, and other facilities provided primarily for the employee's benefit*

# Overtime

## Exclusions from the *Regular Rate*

- Gifts, *discretionary* bonuses
- Payments for time not worked
- Reimbursements for expenses
- Profit sharing plans, stock options
- Retirement and insurance plan contributions
- Overtime premium payments

# Overtime

## Regular Rate and Premium Pay for OT Hours

**STEP 1:** Total compensation paid in a workweek  
(minus statutory exclusions) divided by  
total hours worked in the workweek

$$\text{Total Compensation} \div \text{Total Hours} = \text{RR}$$

**STEP 2:**  $\text{RR} \times .5 = \text{Half-time Premium Pay per OT Hour}$

**STEP 3:** (Half-time) Premium Pay Rate  $\times$  Overtime Hours in  
the Workweek = Overtime Compensation Due



# Overtime

## Exercise: Production Bonus

<b>Hourly Rate:</b>	\$9.00	$48H \times \$9 =$	\$432
<b>Bonus per week:</b>	\$10.00	$\$432 + \$10 =$	\$442
<b>Hours worked:</b>	48	$\$442 \div 48H =$	\$9.21 <b>RR</b>
		$\$9.21 \times .5 =$	\$4.61
		$\$4.61 \times 8H =$	\$36.88 <b>OT</b>
<b>Total compensation for week:</b>		$\$442 + \$36.88 =$	\$478.88



# Overtime

## Exercise: Different Hourly Rates

<b>Janitor Rate:</b>	\$8.50	$21\text{H} \times \$8.50 =$	\$178.50
<b>Janitor Hours:</b>	21	$26\text{H} \times \$9.00 =$	\$234.00
<b>Cook Rate:</b>	\$9.00	$\$178.50 + \$234 =$	\$412.50
<b>Cook Hours:</b>	26	$\$412.50 \div 47\text{H} =$	\$8.78 <b>RR</b>
<b>Total Hours:</b>	47	$\$8.78 \times .5 =$	\$4.39
		$\$4.39 \times 7\text{H} =$	\$30.73 <b>OT</b>
<b>Total compensation for week:</b>		$\$412.50 + \$30.73 =$	\$443.23



# Overtime

## Exercise: Piece Rates

<b>Piece Rate Wages</b>		46H @ Piece Rate:	\$391.00
<b>for week :</b>	\$391.00	4H x \$7.25 =	\$29.00
<b>Piece Rate Hours:</b>	46	Production Bonus:	\$12.50
<b>Wait Time Rate:</b>	\$7.25	<b>Total ST Earnings:</b>	\$432.50
<b>Wait Time Hours:</b>	4	\$432 ÷ 50H =	\$8.65 RR
<b>Production Bonus</b>		\$8.65 x .5 =	\$4.33
<b>for week :</b>	\$12.50	\$4.33 x 10H =	\$43.30 OT
<b>Total Hours Worked:</b>	50		
<b>Total compensation for week:</b>		<b>\$432.50 + \$43.30 =</b>	<b>\$475.80</b>



# Overtime

## Exercise: Salary for Fixed Hours

<b>Weekly Salary for</b>		$\$420 \div 40 =$	<b>\$10.50 RR</b>
<b>40 hours:</b>	<b>\$420.00</b>	$\$10.50 \times 1.5 =$	<b>\$15.75 OT Rate</b>
<b>Fixed Hours:</b>	<b>40</b>	$\$15.75 \times 8H =$	<b>\$126.00 OT</b>
<b>Hours Worked</b>		$\$420 + \$126 =$	<b>\$546.00 Total</b>
<b>that workweek:</b>	<b>48</b>		<b>compensation due, including OT</b>



# Overtime

## Exercise: Fixed Salary for Fluctuating Hours

**Weekly Salary-for all  
hours worked:** \$420.00

$$\$420 \div 49H = \$8.57 \text{ RR}$$

Week 1

**Hours Worked:** 49

**Additional Half-Time Rate:**

$$\$8.57 \times .5 = \$4.29$$

$$\$4.29 \times 9H = \$38.61 \text{ OT}$$

$$\$420 + \$38.61 = \$458.61 \text{ Total}$$

**compensation due for Week 1**



# Overtime

## Exercise: Fixed Salary for Fluctuating Hours

**Weekly Salary-for all**

**hours worked :**                    \$420.00     $\$420 \div 41H =$                     \$10.24 **RR**

Week 2

**Hours Worked:**                    41

**Additional Half-Time Rate:**

$\$10.24 \times .5 =$                     \$5.12

$\$5.12 \times 1H =$                     \$5.12 **OT**

$\$420 + \$5.12 =$                     \$425.12 **Total**  
**compensation due for Week 2**

# Overtime

## Effect of Improper Deductions

Improper deductions from salary may result in loss of exemption

- During period in which improper deductions made
- For employees in same job classification
- For employees working for manager making improper deductions

Isolated, or inadvertent improper deductions will not result in loss of exempt status if employee reimbursed

# Overtime

## Safe Harbor

Exemption will not be lost if employer

- Has clearly communicated policy prohibiting improper deductions including complaint mechanism
- Reimburses employees for improper deductions
- Makes good faith commitment to comply in future

If employer willfully violates policy by continuing improper deductions after receiving employee complaints, it cannot claim the exemption for the affected employees

# Overtime

## “White Collar” Exemption: Executive Duties

- Primary duty is management of enterprise or customarily recognized department or subdivision
- Customarily and regularly directs work of two or more employees
- Authority to hire, or fire employees; or, recommendations as to hiring, firing, advancement, promotion, change of status, given particular weight



**FACT SHEET:**  
Executive Duties Exemption

# Overtime

## **“White Collar” Exemption: 20% Owner Executives** *Executive Exemption* also includes

Any employee who:

- Owns at least a bona fide 20% equity interest in the enterprise at which he or she is employed, and
- Is actively engaged in management of that enterprise

Salary level and salary basis tests do not apply to employees who meet these requirements

# Overtime

## “White Collar” Exemption: Administrative Duties Primary duty

- Office or non-manual work directly related to the *management or general business operations* of the employer or the employer’s customers; and
- Exercise of discretion and independent judgment in matters of significance.
  - Includes activities such as analysis, making determinations, setting prices, assessing risk, committing company resources, negotiating, and similar tasks.



**FACT SHEET:**  
Administrative Duties Exemption

# Overtime

## “White Collar” Exemption: Administrative Duties

*Management or General Business Operations Includes:*

- Tax, Finance, Budgeting, Accounting
- Auditing, Legal and Regulatory Compliance
- Quality Control, Insurance, Safety and Health
- Purchasing, Procurement
- Advertising, Marketing, Research
- Human Resources, Labor Relations, Benefits
- Computer Network, Internet, Database Administration



**FACT  
SHEET:**  
Administrative  
Duties Test

# Overtime

## “White Collar” Exemption: Professional Duties

### Primary duty

- Performance of work requiring advanced knowledge in field of science or learning customarily acquired by a prolonged course of specialized instruction; or
- Performance of work requiring invention, imagination, originality, or talent in recognized artistic or creative field.



**FACT  
SHEET:**  
Professional  
Exemption

# Overtime

## **“White Collar” Exemption: Professional Duties** *Field of Science or Learning*



Occupations with recognized professional status, as distinguished from mechanical arts or skilled trades

# Overtime

## “White Collar” Exemption: Exempt Medical Professions

1. Doctors, Registered Nurses
2. Registered or Certified Medical Technologists
  - 3 years pre-professional study in accredited college or university plus 1 year professional study in accredited school of medical technology
3. Dental Hygienists
  - 4 years pre-professional and professional study in accredited college or university
4. Certified Physician Assistants
  - 4 years pre-professional and professional study, **and** graduation from accredited physician assistant program

# Overtime

## **“White Collar” Exemption: Professional Duties** **Other commonly exempt professions**

- Lawyers
- Teachers
- Accountants
- Pharmacists
- Engineers
- Actuaries
- Chefs
- Certified Athletic Trainers
- Licensed Funeral Directors
- Embalmers

# Overtime

## Non-Exempt Professions

*Common errors: misapplication of exemptions*

- Licensed Practical Nurses
- Paralegals, legal assistants
- Engineering Technicians
- Accounting clerks, bookkeepers typically performing routine work
- Cooks performing predominantly routine mental, manual, mechanical, or physical work



**FACT SHEET:**  
Technologists  
&  
Technicians

# Overtime

## **“White Collar” Exemption: Professional Duties** *Recognized Field of Artistic or Creative Endeavor*

- **Music**  
Musicians, composers, conductors, soloists
- **Graphic Arts**  
Painters, photographers, cartoonists
- **Acting**
- **Writing**  
Essayists, novelists, short-story writers, playwrights, screenwriters who choose their own subjects, responsible writing positions in advertising agencies

# Overtime

## “White Collar” Exemption: Computer-related Occupations

### Primary duty

- Application of systems analysis techniques and procedures, including consultation with users about hardware, software, or system function specifications;
- Design, development, documentation, analysis, creation, testing, or modification of computer systems or programs related to user or system design specifications;
- Design, documentation, testing creation, or modification of machine operating systems; or
- Combination of above duties requiring equal skill level.



**FACT SHEET:**  
Computer-Related Exemption

# Overtime

## **“White Collar” Exemption: Computer-related Occupations**

Additionally, exempt employees must also receive either:

- Guaranteed Salary of at least \$455 weekly
- Hourly rate of at least \$27.63

# Overtime

## “White Collar” Exemption: Outside Sales

Primary duty

- Making sales or
- Obtaining orders or contracts for services for the use of facilities paid by the customer and
- Customarily and regularly working-away from employer’s place of business

There are no salary basis and salary level tests for the outside sales exemption



**FACT SHEET:**  
Outside Sales Exemption

# Overtime

## Exemption for Employees Paid Commissions by Retail Establishments

Employee is exempt from overtime pay if:

- Employed by a *retail or service establishment*;
- More than half employee's total earnings in *representative period* are commissions on goods, services; and
- Total compensation divided by number of hours worked, or regular rate, *exceeds one and one-half times the minimum wage*

If all conditions are not met, exemption does not apply



**FACT SHEET:**  
Commissioned  
Sales  
Exemption

# Overtime

## **Exemption for Employees Paid Commissions by Retail Establishments**

### *Retail or Service Establishment*

An establishment is a retail or service establishment if at least 75% of its annual dollar volume of sales of goods, services or both:

- is not for resale; and
- is recognized as retail sales or services in the particular industry

# Overtime

## **Exemption for Employees Paid Commissions by Retail Establishments**

### *Representative Period*

- Representative period may be as short as one month, cannot be greater than one year
- Employer selects representative period
- More than half of the employee's earnings during the representative period must be commissions

# Overtime

## **Exemption for Employees Paid Commissions by Retail Establishments**

*Regular Rate More than One and One-Half Minimum  
Wage*

To determine:

Divide employee's total earnings by  
total hours worked within workweek

$$(\text{Total Earnings} \div \text{Total Hours}) > (\text{MW} \times 1.5)$$

For the exemption to apply in a particular workweek, the employee's regular rate must exceed one and one-half times the minimum wage in that workweek

# Overtime

## Common Overtime Violations

- **Regular Rate:** Failure to include production bonuses, shift differentials, piece rates in determining the regular rate for calculating OT compensation due
- **Combined hours, rates for dual jobs:** Failure to combine all hours in dual jobs or multiple sites of single employer
- **Tipped Employees:** Failure to calculate correct cash OT payment

# Overtime

## Common Overtime Violations

- **“White Collar” Exemptions:** Misapplication of exemption, or improper assumption that all salaried employees are exempt
- **Deductions:** Improper deductions in OT weeks
- **Misclassification:** Improper treatment of employee as independent contractor
- **Hours worked:** Failure to record, pay for all hours worked
- **State Law:** Confusion between state and federal law

# Youth Employment



Federal youth employment rules set both hours and occupational standards for youth



**FACT SHEET:**  
Youth  
Employment

# Youth Employment

- **16 and 17 year olds**

Unlimited hours; may work in any occupation other than those declared hazardous by Secretary of Labor

- **14 and 15 year olds**

May work outside school hours and for limited periods of time; only non-manufacturing, non-hazardous jobs, and specific conditions apply

- **Children under 14**

With limited exceptions, no employment permitted in covered, non-agricultural occupations

# Recordkeeping



- All employers subject to any provision of the FLSA must make, keep, and preserve certain records
- Time clocks are not required and records need not be kept in any particular form
- Every covered employer must keep basic records for each worker, with additional requirements for non-exempt workers



**FACT SHEET:**  
Recordkeeping  
Requirements

# Recordkeeping

**“Basic records” that a covered employer must keep for each non-exempt worker include:**

- Full name, sex , DOB if younger than 19
- Regular rate of pay, total hours worked, total daily or weekly straight-time earnings, total overtime compensation, if any
- Deductions, date of payment and pay period for payment

# Recordkeeping

## Posting

Covered employers must post a notice explaining the FLSA, as prescribed by the Wage and Hour Division, in a conspicuous place such as a lunch room or employee lounge area.

Download the poster electronically at :  
[www.dol.gov/oasam/boc/osdbu/sbrefa/poster/matrix.htm](http://www.dol.gov/oasam/boc/osdbu/sbrefa/poster/matrix.htm)

To request by phone call:  
**1-866-487-9243**

# FLSA Enforcement

## Limits of the FLSA FLSA does ***NOT*** require

- Vacation, holiday, severance, sick pay
- Meal or rest periods, holidays off, vacations
- Premium pay for weekend or holiday work
- Discharge notice, reason for discharge
- Limit on number of hours or days employees  
16 years or older may work
- Pay raises, fringe benefits

# FLSA Enforcement



- Carried out by the Wage and Hour Division in the U.S. and territories
- If violations found, the Wage and Hour Division secures agreement to comply in future, supervises voluntary payment of back pay as applicable



**FACT SHEET:**  
Visits to  
Employers

# FLSA Enforcement

- 2-year statute of limitations generally applies to back pay recovery; if willful violation, a 3-year statute of limitations may apply
- If voluntary agreement not obtained, the Wage and Hour Division may bring suit to restrain employer from violating FLSA and/or obtain back wages and liquidated damages
- Employees may file private suit for back pay, liquidated damages, plus attorney and court fees

# FLSA Enforcement

## Penalties

- Willful violations may be prosecuted with fines amounting to thousands of dollars
- Violators of youth employment are subject to civil money penalties
- Willful, repeat violations of minimum wage or overtime requirements subject to civil money penalties for each violation

## Civil Money Penalties Chart

# FLSA Compliance Assistance

Fair Labor Standards Act of 1938

Regulations

FLSA Poster.pdf

Handy Reference Guide.pdf

Frequently Asked Questions (FAQs)

Fact Sheets

Opinion Letters

Visit the WHD home page: [www.dol.gov/whd](http://www.dol.gov/whd)

# FLSA Compliance Assistance

- Call WHD toll free and confidential information and helpline:  
**1-866-4US-WAGE (1-866-487-9243)**
- Call or visit the nearest Wage and Hour Division Office: WHD Offices
- Employment Laws Assistance for Workers and Small Businesses (ELAWS): Elaws

# Wage and Hour Division

## Disclaimer

This presentation is intended as general information only and does not carry the force of legal opinion. The Department of Labor is providing this information as a public service. This information and related materials are presented to give the public access to information on Department of Labor programs. You should be aware that, while we try to keep the information timely and accurate, there will often be a delay between official publications of the materials and the modifications of these pages. Therefore, we make no express or implied guarantees. The *Federal Register* and the *Code of Federal Regulations* remain the official source for regulatory information published by the Department of Labor. We will make every effort to keep this information current and to correct errors brought to our attention.

# UPCOMING TRAINING - EVENTS

# ACQUISITION HOUR LIVE WEBINAR SERIES

- February 12, 2019 – **Intellectual Property for Government Contractors and Subcontractors** – [CLICK HERE](#) for additional information – presented by Laura J. Grebe, Attorney, Husch Blackwell LLP
- February 13, 2019 – **Overview of CPARS** – [CLICK HERE](#) for additional information – presented by Carol Murphy, Wisconsin Procurement Institute (WPI)
- February 26, 2019 – **Understanding Your Obligations When Quoting and Receiving Awards from Defense Logistics Agency (DLA) DIBBS** – [CLICK HERE](#) for additional information – presented by Jean Polka, Wisconsin Procurement Institute (WPI)
- February 27, 2019 – **Information Management for Federal Contractors** – [CLICK HERE](#) for additional information – presented by Marc Violante, Wisconsin Procurement Institute (WPI)
- March 12, 2019 – **Growing Your Small Business With the Disadvantaged Business Enterprise (DBE) Program** – [CLICK HERE](#) for additional information – presented by Benjamin Blanc, Wisconsin Procurement Institute (WPI)
- March 13, 2019 – **Preparing for a CPSR Audit** – [CLICK HERE](#) for additional information – presented by Mark Dennis, Wisconsin Procurement Institute (WPI)
- March 27, 2019 – **Doing Business With the United Nations** – [CLICK HERE](#) for additional information – presented by Carmela Mammas, Director, U.S. Commercial Service and Dmitri G. Dovgopoly, Director, UN Headquarter Procurement Division
- April 30, 2019 – **Update on the Hour Wage Labor Law** – [CLICK HERE](#) for additional information – presented by Corey Walton, Community Outreach and Resource Planning Specialist – U.S. Department of Labor/Wage & Hour Division

# NCMA Wisconsin Chapter / WPI Federal Acquisition Regulations (FAR) Training Webinars

**6:00 – 7:30 pm**

- February 12, 2019 – **Session 1: Introduction – CFCM Requirements and Basics of Federal Government Contracting**
- February 19, 2019 – **Session 2: FAR Parts 1-9**
- February 26, 2019 – **Session 3: FAR Parts 16-18; 10-12**
- March 5, 2019 – **Session 4: FAR Parts 13-15**
- March 12, 2019 – **Session 5: FAR Parts 1-18 – Practice Test Review**
- March 19, 2019 – **Session 6: FAR Parts 19-29**
- March 26, 2019 – **Session 7: FAR Parts 30-33**
- April 2, 2019 – **Session 8: FAR Parts 34-41**
- April 9, 2019 – **Session 9: FAR Parts 42-53**
- April 16, 2019 – **Session 10: FAR Parts 1-51 – Practice Test Review**

<https://www.wispro.org/wp-content/uploads/2019/01/FAR-Training-Schedule-2019-1.pdf>

# PREPARING A WINNING GOVERNMENT PROPOSAL

February 5, 2019 @ 10:00 am - 12:00 pm

## Organizer

Cassie Hutzler

Phone:  
(414) 270-3600

Email:  
cassieh@wispro.org

## Additional Information

Presented By  
**Wisconsin Procurement Institute (WPI)**

Event Registration  
[Register for Event](#)

<https://www.wispro.org/event/preparing-a-winning-government-proposal/>

Is your proposal responsive and effective?

Writing a government proposal takes time, careful planning and a complete understanding of requirements. It must provide credible evidence that your business understands a problem, has a comprehensive solution, has the skills and experience to do the work and can provide the solution at a competitive price.

Join us and learn what makes an effective winning proposal. All contractors and subcontractors looking to improve their proposals should attend!

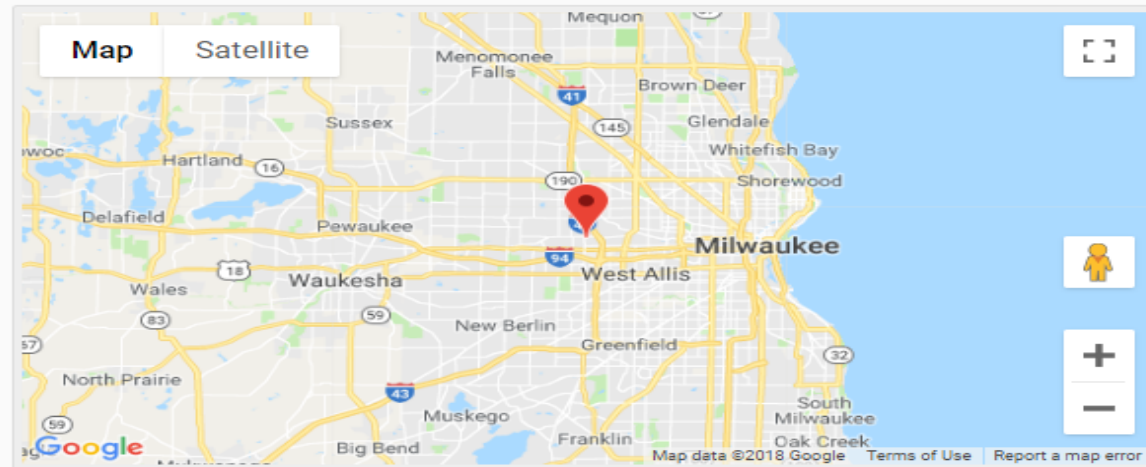
**Speaker:** Carol Murphy, Wisconsin Procurement Institute (WPI)

## Venue

Technology Innovation Center, Room 121

10437 W Innovation Dr. Room 121  
Wauwatosa, WI 53226 United States

[+ Google Map](#)





# QUESTIONS?

# SURVEY



# CONTINUING PROFESSIONAL EDUCATION

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CPE Certificate available, please contact:

**Benjamin Blanc**

[benjaminb@wispro.org](mailto:benjaminb@wispro.org)

# PRESENTED BY

Wisconsin Procurement Institute (WPI)

[www.wispro.org](http://www.wispro.org)

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